1948. **File No.** O/B.C.C.T.R.O./48

Legal Department

G BRANCH

K

Subject:—

Opinions under the Bombay Cotton Cloth Trade Regulation Order 1948

P-3/E

File No. O/B.C.C.T.R.O./48.

Gen. 194 e.

G-28

C O N T E N T S

Legal Department File No. O/B.C.C.T.R.O./48

Sr. No.	R. I. / O. No.	Subject	Pages.
		Opinions under the Bombay Cotton cloth Trade Refulation orders.	
1.	691 / 20-1-1948	Clause 12. Prosecution of one Shri Chandulal Virchand for im - porting same bales containing fents from Bombay after the expiration of his liecnce.	1-2
2.	1288 / 6-2-1948	Clause 2(b) and 3 Whether ap person becomes a a dealer by virtue of the fact that he has sold cloth on a number of occasions without holding a dealer's licence and whether he can be held liable fo a breach of Cl. 3.	3-4
3.	G/598/ 22-9-48	Bombay Cloth Rationing Order, 1945; Clause 5 Prosecution of M/S Maneklal Rajmal & Co. Bombay and M/S Mansukhlal & Co. Bombay for ~~mixm~~ disposing of rationed cloth without being authorised rationed cloth Distributors (Copies not made)	5-12

Mjr/9/7
5 Cs.

CDR 1017 DM 1117

Office of the R.L.A.

The Government noticeand press-note dated 28th December, 1946 referred to by the District Magistrate are not among the papers. However in view of the express provision in clause 12 of the Bombay Cotton Cloth Trade Regulation Order, 1945 of which Chandulal Virchand had notice as can be proved from the fact that he applied for a licence under that Order, the absence of publicity of the Government notice and press note in Nasik will not affect the prosecution case.

Sd/- P.M.Lad

o.c. 19/1

Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 691 dated 20-1-1948

Mjr/7/7

4 Cs.

Office of the L.L.A.

A dealer is defined in clause 2(b) of the Bombay Cotton Cloth Trade Regulation Order, 1945 to mean "a person carrying on the business whether as principal or agent, of buying or selling whether wholesale or retail or storing for sale cloth, whether or not in conjuction with any other business, and includes a hawker but not a manufacture". Carrying on business exists where there is a succession of acts or continuity of transactions or acts (Cf R.L.A's opinion No 6404 dated 20-6-1947; Cf. also para 264 of Vol XXIII of Halsbury's Laws of England). A person who occasionally sells cloth, although it be on a number of occassions, cannot necessarily be considered a dealer unless it could be proved that there was a succession of acts or a continuity of transactions or acts. It is a question of fact which can be decided on the particular circumstances of each case.

Sd/- P.M.Lad

o.c. 5/12

Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 1288 dated 6-~~3~~2-48

Mjr/7/7/

4 Cs.